

REMARKS

Claims 1, 3, 5 and 8-10 are pending in this application, claims 2, 4, 6, 7 and 11-30 having been cancelled by the above amendment. Claims 6, 7, 11-13, 18-21 and 23-30 were cancelled as being directed to non-elected inventions that were withdrawn from consideration.

Claims 1, 4, 5 and 22 stand rejected under 35 USC 102(e) as being anticipated by Ueda et al. and claims 1, 14 and 22 stand rejected under 35 USC 102(b) as being anticipated by Pratt et al. Additionally, claims 2 and 3 stand rejected under 35 USC 103(a) as being unpatentable over Ueda et al. in view of Pratt et al.; claims 8, 9, 15 and 16 stand rejected under 35 USC 103(a) as being unpatentable over Ueda et al. in view of Pratt et al. and Voss; claim 10 stands rejected under 35 USC 103(a) as being unpatentable over Ueda et al. in view of Voss; and claim 17 stands rejected under 35 USC 103(a) as being unpatentable over Pratt et al. in view of Ueda et al.

In view of the Declaration under 37 CFR §1.131, the above amendments and the following remarks, these rejections are traversed, and reconsideration of this application is respectfully requested.

Applicant is submitting herewith a Declaration under 37 CFR §1.131 to remove U.S. Publication No. 2004/0013919 to Ueda et al. as a reference. Applicant submits that this Declaration shows conception of the invention prior to the effective date of Ueda et al. of July 16, 2003, and due diligence from the effective date to the date of constructive reduction to practice of March 26, 2004. It is therefore respectfully requested that all rejections naming Ueda et al. be withdrawn.

Independent claim 1 has been amended above to include the language previously found in dependent claims 2 and 4. Particularly, independent claim 1 now

includes a bleed valve that bleeds the anode exhaust gas from the accumulator, where the bled anode exhaust gas is combined with the cathode exhaust gas in the cathode exhaust gas line.

Irrespective of the Declaration under §1.131, Applicant submits that Ueda et al. does not teach or suggest amended independent claim 1. Particularly, Ueda et al. discloses that the anode exhaust gas and the cathode exhaust gas are combined in the device 10. Ueda et al. does not teach or suggest that the anode exhaust gas is combined with the cathode exhaust gas after a bleed valve in the cathode exhaust gas line.

Pratt et al. discloses a method for diluting reacted fuel gas from a fuel cell that includes selectively opening a purge valve 14 to allow anode exhaust gas to be sent to a holding chamber 16, and then slowly bleeding the stored gas in the chamber 16 to the environment through a valve 30. Pratt et al. is specific that the anode exhaust gas bled from the holding chamber 16 is sent to the environment (column 4, lines 4 - 15). Applicant respectfully submits that Pratt et al. does not teach or suggest that the bled anode exhaust gas from the valve 30 is combined with a cathode exhaust gas in a cathode exhaust gas line.

U.S. Patent Publication 2003/0118882 to Voss discloses a fuel cell system that includes fuel streams that are operated at pressures below the pressure of the surrounding environment to prevent fuel leaks. Applicant submits that Voss et al. fails to provide the teaching missing from Ueda et al. and Pratt et al. discussed above that would make independent claim 1 obvious.

In view of the preceding remarks and amendments, it is respectfully requested that the section 102 and 103 rejections be withdrawn.

It is now believed that this application is condition for allowance. If the

believes a personal contact with applicants represented and would expedite prosecution of this application, he is invited to call the undersigned at his convenience.

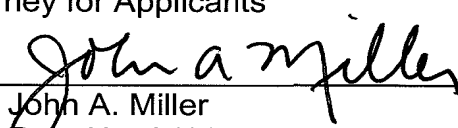
Applicant is filing concurrently herewith, a Power of Attorney to Prosecute Applications before the USPTO (appointing practitioners associated with the Customer No. 65798 Power of Attorney and changing the Correspondence Address as associated with Customer No. 65798 as identified below) along with a Statement under 37 CFR 3.73(b).

Respectfully submitted,

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